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## COUNCIL OF STATES

The following Bill was introduced in the Council of States on the 25th August, 1953:—

Bill No. XIX of 1953

*A Bill further to amend the Indian Railways Act, 1890.*

Be it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Railways (Amendment) Act, 1953.

**2. Substitution of new Chapter for Chapter VIA in Act IX of 1890.**—For Chapter VIA of the Indian Railways Act, 1890, the following Chapter shall be substituted, namely:—

### ‘CHAPTER VIA

#### LIMITATION OF EMPLOYMENT OF RAILWAY SERVANTS

**71A. Definitions.**—In this Chapter, unless the context otherwise requires,—

(a) the employment of a railway servant is said to be “continuous” except when it is excluded or has been declared to be essentially intermittent or intensive;

(b) the employment of a railway servant is said to be “essentially intermittent” when it has been declared to be so by the prescribed authority on the ground that the daily hours of duty of the railway servant normally include periods of inaction aggregating six hours or more (including at least one such period of not less than one hour or two such periods of not less than half an hour each), during which the railway servant may be on duty, but is not called upon to display either physical activity or sustained attention;

(c) the employment of a railway servant is said to be "excluded", if he belongs to any one of the following categories, namely:—

(i) railway servants employed in a confidential capacity;

(ii) armed guards, or other personnel subject to discipline similar to that of the armed police forces;

(iii) staff of the railway schools imparting technical training or academic education;

(iv) such categories of class IV staff as may be specified by the Central Government by rules made under section 71E;

(v) such staff as may be specified as supervisory staff by the Central Government by rules made under section 71E;

(vi) such categories of staff of the Health and Medical department as may be specified by the Central Government by rules made under section 71E;

(d) the employment of a railway servant is said to be "intensive" when it has been declared to be so by the prescribed authority on the ground that it is of a strenuous nature involving continued concentration or hard manual labour with little or no period of relaxation.

71B. *Chapter VIA not to apply to certain railway servants.*—This Chapter shall not apply to any railway servant to whom the Indian Merchant Shipping Act, 1923 (XXI of 1923) or the Factories Act, 1948 (LXIII of 1948) or the Mines Act, 1952 (XXXV of 1952), applies.

71C. *Limitation of hours of work.*—(1) A railway servant whose employment is essentially intermittent shall not be employed for more than seventy-five hours in any week;

(2) A railway servant whose employment is continuous shall not be employed for more than fifty-four hours a week on the average in any month;

(3) A railway servant whose employment is intensive shall not be employed for more than forty-five hours a week on the average in any month;

(4) Subject to any rules that may be made under section 71E, temporary exemptions of railway servants from the provisions of sub-section (1) or sub-section (2) or sub-section (3) may be made by the prescribed authority if it is of opinion that such temporary exemptions are necessary to avoid serious interference with the ordinary working of the railway or in cases of accident, actual or threatened, or when urgent work is required to be done to the railway or to rolling stock, or in any emergency which

could not have been foreseen or prevented, or in other cases of exceptional pressure of work:

Provided that a railway servant so exempted shall be paid for over-time at not less than one and one-half times his ordinary rate of pay.

71D. *Grant of periodical rest.*—(1) Subject to the provisions of this section, a railway servant—

(a) whose employment is intensive or continuous shall be granted, each week commencing on Sunday, a rest of not less than thirty consecutive hours;

(b) whose employment is essentially intermittent shall be granted, each week commencing on Sunday, a rest of not less than twenty-four consecutive hours including a full night;

(c) whose employment is excluded under sub-clause (iv) of clause (c) of section 71A shall be granted a rest of not less than forty-eight consecutive hours each month, or a rest of not less than twenty-four consecutive hours each fortnight.

(2) Notwithstanding anything contained in sub-section (1), locomotive or traffic running staff shall be granted, each month, a rest of at least four periods of not less than thirty consecutive hours each, or at least five periods of not less than twenty-two consecutive hours each including a full night.

(3) Notwithstanding anything contained in sub-section (1), the Central Government may, by rules made under section 71E, specify the railway servants to whom periods of rest may be granted on a scale less than that laid down under sub-section (1) and may prescribe the periods of rest to be granted to such railway servants.

(4) Subject to any rules that may be made under section 71E, temporary exemptions of railway servants from the provisions of sub-section (1) or sub-section (2) may be made by the prescribed authority if it is of opinion that such temporary exemptions are necessary in the cases or circumstances specified under sub-section (4) of section 71C:

Provided that a railway servant so exempted shall, as far as may be possible, be granted compensatory periods of rest for the periods he has foregone.

71E. *Power to make rules.*—(1) The Central Government may make rules—

(a) prescribing the authorities who may declare that the employment of any railway servant is essentially intermittent or intensive; and providing for appeals against any such declaration and the manner in which, and the conditions subject to which, any such appeal may be filed and heard;

(b) specifying the railway servants or classes of railway servants to whom sub-clauses (iv), (v) and (vi) of clause (c) of section 71A may apply;

(c) prescribing the authorities by whom exemptions under sub-section (4) of section 71C or sub-section (4) of section 71D may be made;

(d) providing for the delegation of powers by the prescribed authorities referred to in clause (c);

(e) specifying the railway servants or classes of railway servants to whom sub-section (3) of section 71D may apply and prescribing the periods of rest to be granted to them;

(f) providing for appointment of supervisors of railway labour and their functions;

(g) providing for any other matter which has to be, or may be, prescribed under this Chapter.

(2) The rules made under sub-section (1) shall be subject to the provisions of section 143.

71F. *Railway servant to remain on duty.*—Nothing in this Chapter or the rules made thereunder shall authorise a railway servant to leave his duty where due provision has been made for his relief, until he has been relieved.

71G. *Supervision of railway labour.*—(1) Subject to any rules that may be made under section 71E, the Central Government may appoint persons to be supervisors of railway labour.

(2) The duties of supervisors of railway labour shall be—

(a) to inspect railways in order to determine if the provisions of this Chapter and of the rules made thereunder are duly observed; and

(b) to perform such other functions as may be prescribed.

(3) A supervisor of railway labour shall be deemed to be an Inspector for the purposes of sections 5 and 6.

71H. *Penalty.*—Any person under whose authority any railway servant is employed in contravention of any of the provisions of this Chapter or of the rules made thereunder shall be punishable with fine which may extend to five hundred rupees."

## STATEMENT OF OBJECTS AND REASONS

In 1946, an industrial dispute arose between the nine former Government Railway Administrations and their respective employees about the hours of work, periods of rest, etc. laid down in Chapter VIA of the Indian Railways Act, 1890. The matter was, by consent, made the subject of adjudication. The Adjudicator gave his award in 1947. The Government have accepted the award in respect of hours of work, periods of rest and leave reserves. The chief changes accept-

ed in consequence of the Adjudicator's award in respect of hours of work and periods of rest are—

- (a) an all round curtailment of hours of work;
- (b) the introduction of a new category of workers, namely, intensive workers;
- (c) a radical change in the definition of intermittent workers;
- (d) a general liberalisation of periodical rest and bringing more categories of workers within its purview;
- (e) the inclusion of running staff within the scope of the provisions.

2. Although the implementation of these changes could be, and is being, achieved by amending the rules framed under section 71E of the Indian Railways Act, 1890, it is considered advisable to incorporate the changes in respect of hours of work and periods of rest, etc. by an amendment of the Indian Railways Act itself. Such radical changes should be effected by an amendment of the Act. Moreover, it will be in line with international practice. The International Labour Organisation to which our country belongs attaches considerable importance to statutory protection to the workmen in respect of such matters. Legally, the award applied only to the railways which were parties to the industrial dispute. It is, however, necessary to apply it to the staff of the other railways also and it is advisable to place them on the same footing by extending to them the protection which the legislation confers.

LAL BAHADUR.

NEW DELHI;  
The 31st July 1953.

S. N. MUKERJEE,  
*Secretary.*

